

**REMARKS**

Claims 19 and 21-23 are currently pending, wherein claims 19 and 22 are independent. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

In paragraph 7 of the final Office action (“Action”), the Examiner rejects claims 19 and 21-23 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Examiner asserts that “there is no support within the specification for the limitation ‘assigning a unique relay address to an SMS message from a multiplicity of available predefined reply addresses.’” Applicant respectfully traverses this rejection.

As discussed on page 20 of the Specification as filed, the present invention utilizes a dynamic dialog matrix including a column/row for each client and a corresponding row/column for each A subscriber number the mediator is using. As a result, the mediator needs only a limited number of A subscriber numbers (i.e., predefined reply addresses) and the dialog matrix can be used to determine which A subscriber numbers are available for the next inquiry. Therefore, although the specification does not specifically recite the term “predefined”, one skilled in the art would readily understand the claimed “multiplicity of available predefined reply addresses” refers to the set of addresses utilized by the mediator. Furthermore, the Specification discusses the fact that the particular reply address assigned to a question is preferably randomly selected from the group of available/predefined reply addresses. Accordingly, the Specification as filed clearly provides sufficient description for the claimed invention. Reconsideration and withdrawal of the rejection of claims 19 and 21-23 under 35 U.S.C. 112, first paragraph, is respectfully requested.

In paragraph 9 of the Action, the Examiner rejects claims 19 and 21-23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,085,100 to Tarnanen (“Tarnanen”), in view of U.S. Patent Application Publication No. 2002/0028686 to Kagi (“Kagi”) and U.S. Patent No. 7,149,537 to Kupsh et al. (“Kupsh”). Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria

must be met. First, there must be some rationale to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 19 and 21-23 are patentable over the combination of Tarnanen, Kagi, and Kupsh for at least the reason that the combination fails to disclose each and every claimed element. More specifically, the combination fails to disclose or suggest assigning a unique reply address to an SMS message from a multiplicity of available predefined reply addresses as claimed.

In the Action, the Examiner asserts that Kupsh “discloses that the reply addresses are predefined.” To support this assertion, the Examiner points to column 6, lines 17-30. However, the Examiner’s assertion is unfounded.

Kupsh discloses a system and method for providing a user-accessible Internet-based mobile messaging log that records messages communicated between an Internet-based sending device and an SMS-capable mobile device. As discussed in column 6, lines 17-36 of Kupsch, the message log 302 provides a listing of all messages sent by a user having the same user name and similar message logs can be created for messages sent by other users. However, nowhere in Kupsch is there any disclosure or suggestion of assigning/selecting a reply address from a group of available predefined reply messages as claimed.

Since Tarnanen, Kagi, and Kupsh each fail to disclose or suggest assigning a unique reply address to an SMS message from a multiplicity of available predefined reply addresses as claimed, the combination of these three references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art has some rationale to combine Tarnanen, Kagi, and Kupsch (which Applicant does not concede) the combination would still fail to render claims 19 and 21-23 unpatentable because the combination fails to disclose each and every claimed element. Reconsideration and withdrawal of the rejection of claims 19 and 21-23 under 35 U.S.C. § 103(a) is respectfully requested.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone

number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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